

RESOLUTION NO. 07-144

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA APPROVING A RELEASE OF UNITY OF TITLE CONCERNING LOTS 1, 2, 3, 4, 28, 29 AND 30, BLOCK 97-B, AMENDED PLAT OF THE AMENDED PLAT OF THE THIRTEENTH ADDITION TO HIALEAH, AS RECORDED IN PLAT BOOK 34, PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. PROPERTIES LOCATED AT 801 EAST 24 STREET, 2401 EAST 8 AVENUE, 800-802 EAST 25 STREET AND 802 EAST 24 STREET, HIALEAH, FLORIDA.

WHEREAS, the property owners at that time, the Bank of Miami entered into a Unity of Title agreement dated May 19, 1982, which was recorded in Official Records Book 11450, page 1435, of the public records of Miami-Dade County, Florida, on property located at 801 East 24 Street, 2401 East 8 Avenue, 800-802 East 25 Street and 802 East 24 Street, Hialeah, Florida, bearing the following legal description:

LOTS 1, 2, 3, 4, 28, 29 AND 30, BLOCK 97-B, AMENDED PLAT OF THE AMENDED PLAT OF THE THIRTEENTH ADDITION TO HIALEAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

WHEREAS, the property owners entered into the Unity of Title to develop the property as one site and in consideration of and for the purpose of compliance and satisfaction of minimum parking requirements of the Hialeah Code; and

WHEREAS, the current property owners, Miami Latin Grill, Inc. and Irma Costa, Trustee desire a release of the Unity of Title agreement so that the restaurant and dental office, as two separate businesses, can operate with sufficient and overflow parking if needed; and

WHEREAS, Irma Costa, Trustee agrees to enter into a new Unity of Title for the two parcels of land located at 801 East 24 Street and 2401 East 8 Avenue, Hialeah, Florida; and

WHEREAS, Miami Latin Grill, Inc. agrees to enter into a new Unity of Title for three parcels of land located at 800-802 East 25 Street and 802 East 24 Street, Hialeah, Florida; and

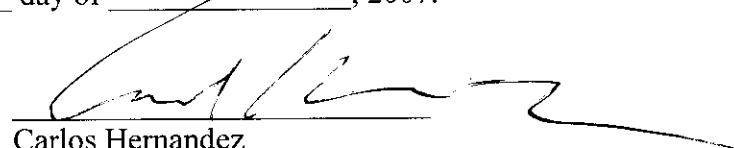
WHEREAS, the Planning Division has no objection to the release of the Unity of Title dated May 19, 1982.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The recitals and findings contained in the preamble to this resolution are hereby adopted by reference thereto and incorporated herein as if fully set forth in this section.


Section 2: The above-described Release of Unity of Title is hereby approved and ratified.

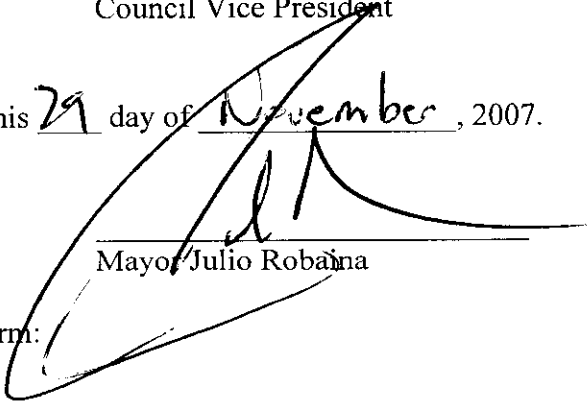
PASSED AND ADOPTED this 27 day of November, 2007.


Carlos Hernandez
Council Vice President

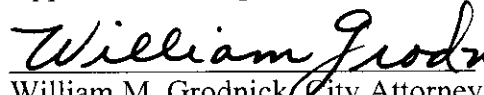
Attest:

Approved on this 29 day of November, 2007.


Rafael E. Granado, City Clerk


Mayor Julio Robaina

Approved as to legal sufficiency and as to form:


William M. Grodnick, City Attorney

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Resolution was adopted by a 6-0-1 vote with Councilmembers Caragol, Casals-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes" and Councilmember Bovo absent.

CITY OF HIALEAH
Planning and Zoning Official's Office

MEMORANDUM

TO: Mayor Julio Robaina, and
Members of the Hialeah City Council

FROM: Debora Storch, Planning and Zoning Official

DATE: November 8, 2007

RE: Report to City Council on Release of Unity of Title on properties located at 801 East 24 Street, 2401 East 8 Avenue, 800-802 East 25 Street and 802 East 24 Street.

These properties were originally developed for the Bank of Miami and are currently used by Miami Latin Grill and a Dental Office.

These five properties have the same owner. The property at 802 East 24th and 2401 East 8th Avenue, were tied to the properties on 800-802 East 25 Street and the southeastern corner of East 8th Avenue and East 24th Street because they were sharing parking.

The site on 802 East 24th and 2401 East 8th Avenue has currently been remodeled to be able to accommodate the required parking for the building that sits on 802 East 25 Street (a dental office). As a result, this site is self sufficient for parking purposes and the unity of title with the three other properties could be released. The property owner, Irma Costa, Trustee, is providing a new unity of title for the properties on 802 East 24th and 2401 East 8th Avenue. The remaining three properties 800-802 East 25 Street and the southeastern corner of East 8th Avenue and East 24th Street will continue to be tied by a new unity of title, provided by Miami Latin Grill, Inc.

RELEASE OF UNITY OF TITLE

This Release of Unity of Title Agreement made at 501 Palm Avenue, Hialeah, Florida 33010 this ____ day of _____, 2007, by the City of Hialeah, a municipal corporation organized and existing under the laws of the State of Florida.

WITNESSETH:

WHEREAS, on May 19, 1982, the Bank of Miami executed a Unity of Title which was recorded in Official Records Book 11450, page 1435, of the Public Records of Miami-Dade County, Florida on properties having a street address of 801 East 24 Street, 2401 East 8 Avenue, 800-802 East 25 Street and 802 East 24 Street, Hialeah, Miami-Dade County, Florida, under Clerk's File No. 82R117300, bearing the following legal description:

LOTS 1, 2, 3, 4, 28, 29 AND 30, BLOCK 97-B,
AMENDED PLAT OF THE AMENDED PLAT OF THE
THIRTEENTH ADDITION TO HIALEAH,
ACCORDING TO THE PLAT THEREOF, AS
RECORDED IN PLAT BOOK 34, PAGE 26, OF THE
PUBLIC RECORDS OF MIAMI-DADE COUNTY,
FLORIDA.

WHEREAS, the property owners entered into the Unity of Title to develop the property as one site and in consideration of and for the purpose of compliance and satisfaction of minimum parking requirements of the Hialeah Code; and

WHEREAS, the current property owners, Miami Latin Grill, Inc. and Irma Costa, Trustee desire a release of the Unity of Title agreement so that the restaurant and dental office, as two separate businesses, can operate with sufficient and overflow parking if needed; and

WHEREAS, Irma Costa, Trustee agrees to enter into a new Unity of Title for the two parcels of land located at 801 East 24 Street and 2401 East 8 Avenue, Hialeah, Florida; and

WHEREAS, Miami Latin Grill, Inc. agrees to enter into a new Unity of Title for three parcels of land located at 800-802 East 25 Street and 802 East 24 Street, Hialeah, Florida; and

WHEREAS, the Planning Division has no objection to the release of the Unity of Title dated May 19, 1982.

WHEREAS, the Mayor and the City Council approved the Release of the Unity of Title on November ____, 2007 by Hialeah, Fla., Resolution 07-____ (_____, 2007); and

NOW, THEREFORE, in consideration of the premises hereof, the aforesaid Unity of Title dated May 19, 1982 executed by Bank of Miami as recorded in Official Records Book 11450, page 1435, of the Public Records of Miami-Dade County, Florida, is hereby released, nullified and canceled.

IN WITNESS WHEREOF, the parties hereto have cause this instrument to be executed by their respective officials thereunto duly authorized this day and year first above written.

Signed, sealed and delivered
in the presence thereof:

Miami Latin Grill, Inc.
802 East 25 Street
Hialeah, Florida 33013

Authorized signature on behalf of
Miami Latin Grill, Inc.

Attest:

Manuel E. Costa
Manuel E. Costa
Vice President
(Seal)

By: Irma Costa
Irma Costa
President
Date

Miriam Coipe
Witness
Printed/typed Name: MIRIAM COIPE

Nathalie Cardoza
Witness
Printed/typed Name: Nathalie Cardoza

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 9 day of November 2007, by Irma Costa, as President of Miami Latin Grill, Inc., and attested by Manuel E. Costa, as Vice President, on behalf of the corporation. They are personally known to me or have produced Personally Known as identification and did (did not) take an oath.

Renee Chalker
Notary Public, State of Florida
MY COMMISSION # DD394525
EXPIRES: May 23, 2009
Types printed or stamped name
Commission No.

Miriam Coipel
Witness
Printed/typed Name: MIRIAM COIPEL
Nathalie Cardoza
Witness
Printed/typed Name: Nathalie Cardoza

Irma Costa, Trustee
802 East 25 Street
Hialeah, Florida 33013

By: Irma Costa
Irma Costa, Trustee

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 9 day of November, 2007, by Irma Costa. She is personally known to me or has produced personally known as identification and did (did not) take an oath.

Patricia Chaiken
Notary Public, State of Florida
PATRICIA CHAIKEN
Typed Patricia Chaiken or stamped name
Commission No. DD394525
EXPIRES: May 23, 2009
FI. Notary Discount Assoc. Co.

CITY OF HIALEAH, FLORIDA
501 Palm Avenue/ P. O. Box 11-0040
Hialeah, Florida 33011-0040

Authorized signature on behalf of the City
of Hialeah, Florida

Attest:

Rafael E. Granado
City Clerk (SEAL)

Mayor Julio Robaina 11-29-07
Date

Witness
Printed/typed Name: _____

Witness
Printed/typed Name: _____

Approved as to legal sufficiency and as to form:

William M. Grodnick
William M. Grodnick

City Attorney

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this ____ day of _____, 2007, by Julio Robaina, as Mayor of the City of Hialeah, a Florida municipal corporation, and attested by Rafael E. Granado, City Clerk of the City of Hialeah, Florida on behalf of the City of Hialeah. They are personally known to me or have produced _____ as identification and did (did not) take an oath.

Notary Public, State of Florida

Typed/printed or stamped name
Commission No.

Prepared by and Return to:
City of Hialeah
Planning Division
501 Palm Avenue, Second Floor
Hialeah, FL 33010

**Declarations of Restrictions
and Unity of Title**
(Corporate Entity)

This Declaration of Restrictions and Unity of Title ("Unity of Title") executed
5 _____ day of November _____ by Miami Latin Grill Inc.
("Owner(s)"). Property located at: 800-802 East 25 Street & 802 East 24 Street, Hialeah, Fl.
Folio No's: 04-3108-002-2051, 043108-002-2080 & 04-3108-002-3110

WITNESSETH:

WHEREAS, the undersigned Miami Latin Grill Inc.,
a Florida _____ corporation, is the fee simple owner of the following described
Property located in the City of Hialeah, Florida:
Lots 1 to 3 inclusive, less the North 15 feet, less the West 10 feet of Lot 1 for right-of-way & Lot
4., less the North 15 feet, Block 97-B, Hialeah 13th Addition Amended Plat Revised, Plat Book
34, Page 26, of the Public Records of Miami-Dade County, Florida and Lot 1 less the West 10
feet for right-of-way & all of Lot 2, Block 104-B, Hialeah 13th Addition Amended Plat Revised,
Plat Book 34, Page 26 & 6-foot alley lying south & adjacent, closed per Ordinance 94-104.

WHEREAS, the undersigned owner of this property desires to utilize said lots or parcels
as a single building site for the following reasons:
To continue the use of the property as a detached parking lot to service Miami Latin Grill Inc.,
for overflow parking.

NOW, THEREFORE, for good and valuable consideration, the undersigned owners(s)
hereby covenant(s) and agree(s) as follows:

1. Each and all of the foregoing recitations are true and correct and are incorporated herein
by this reference and made a part hereof for all purposes.
2. The above-described lots and parcels will not be conveyed, mortgaged, or leased separate or
apart from each other and that they will be held together as one tract.
3. This covenant is intended and shall constitute a restrictive covenant concerning the use,
enjoyment, and title to the above-described property and shall constitute a covenant running
with the land and may be recorded in the Public Records of Miami-Dade County, Florida.
This covenant shall remain in full forces and effect and shall be binding upon the
undersigned, its (their) heirs, successors and assigns until such time as the same is modified,
amended or released and may only be modified, amended or released by a written instrument
executed by the then owner having fee simple title to the property affected or to be affected
by such modification, amendment, or release; provided, however, the same is also approved
by the City Council and the Mayor of the City of Hialeah, or its successors, by resolution,
upon advertised notice, or by ordinance if the covenant is adopted by ordinance or as
otherwise provided in the Hialeah Charter.

Declarations of Restrictions and Unity of Title
(Corporate Entity)

4. The undersigned agrees that it will not convey, transfer, assign or otherwise dispose of the property, or any interest therein, without requiring the successor in right, title or interest to abide by the terms and conditions of this Unity of Title.
5. The use of the property shall be in compliance with all ordinances, regulations, codes, and charter of the City of Hialeah and applicable state and federal law and laws and regulations of Miami-Dade County, Florida.

(LEFT INTENTIONALLY BLANK)

Declarations of Restrictions and Unity of Title
(Corporate Entity)

IN WITNESS WHEREOF, We have hereunto set out hands and seals at
692 W 29 ST Hialeah this 7th day of November, 2007.
(location)

Attest: _____

Name of Corporation: Miami Latin Grill Inc.

Secretary: _____

Typed/Printed Name

Signed, sealed and delivered in the
presence of:

By: x

President:

Witness

Milagros Hernandez

Typed/Printed Name

Witness

Marlon Montezano

Typed/Printed Name

Typed/Printed Name

Corporate Seal

STATE

OF

FLORIDA

COUNTY

OF

MIAMI-DADE

The foregoing instrument was acknowledged before me on this 7 day of November
by IRMA COSTA as President, and Me as Secretary, of
(Name of Officer or Agent) (Name of Secretary)

(Name of Corporation) corporation, a _____ corporation.
(State or Place of Incorporation)

They are personally known to me or have produced the following _____
as identification and did (did not) take an oath and who attest to the truth and accuracy of the
representations contained herein.

This document was prepared by:

Hector J. Hall

Name

692 W 29 ST #9

Street

Hialeah

City

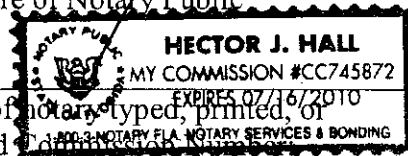
State

FL 33012

Zip Code

[Signature]

Signature of Notary Public



Name of notary, typed, printed, or
stamped

My Home
Miami-Dade County, Florida

miamidade.gov

MIAMI-DADE

Property Information Map



Digital Orthophotography - 2006

0 114 ft

This map was created on 11/5/2007 11:02:40 AM for reference purposes only.

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Close

Summary Details:

Folio No.:	04-3108-002-2350
Property:	802 E 25 ST
Mailing Address:	MIAMI LATIN GRILL INC
	800-802 E 25 ST HIALEAH
	FL
	33013-3402

Property Information:

Primary Zone:	6600 LIBERAL COMMERCIAL
CLUC:	0011 RETAIL
Beds/Baths:	0/0
Floors:	1
Living Units:	0
Adj Sq Footage:	4,003
Lot Size:	14,399 SQ FT
Year Built:	1958
Legal Description:	8 53 41 PB 34-26 HIALEAH 13TH ADD AMD PL REV LOTS 1 TO 3 INC LESS N15FT BLK 97B LESS W10FT LOT 1 FOR R/W LOT SIZE IRREGULAR OR 23276-4676 03 2005 2(3)

Sale Information:

Sale O/R:	23276-4676
Sale Date:	3/2005
Sale Amount:	\$1,250,000

Assessment Information:

Year:	2007	2006
Land Value:	\$302,379	\$244,783
Building Value:	\$410,640	\$402,780
Market Value:	\$713,019	\$647,563
Assessed Value:	\$713,019	\$647,563
Total Exemptions:	\$0	\$0
Taxable Value:	\$713,019	\$647,563

My Home
Miami-Dade County, Florida

miamidade.gov

MIAMI-DADE

Property Information Map



Digital Orthophotography - 2006

0 — 114 ft

This map was created on 11/5/2007 11:03:08 AM for reference purposes only.

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Close

Summary Details:

Folio No.:	04-3108-002-2080
Property:	
Mailing Address:	MIAMI LATIN GRILL INC 800-802 E 25 ST HIALEAH FL 33013-3402

Property Information:

Primary Zone:	6600 LIBERAL COMMERCIAL
CLUC:	0066 EXTRA FEATURE OTHER THAN PARKING
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	4,560 SQ FT
Year Built:	0
Legal Description:	8 53 41 PB 34-26 HIALEAH 13TH ADD AMD PL REV LOT 4 LESS N15FT BLK 97- B LOT SIZE 40.000 X 114 OR 23276-4676 03 2005 2(3)

Sale Information:

Sale O/R:	23276-4676
Sale Date:	3/2005
Sale Amount:	\$1,250,000

Assessment Information:

Year:	2007	2006
Land Value:	\$86,640	\$77,520
Building Value:	\$7,791	\$7,791
Market Value:	\$94,431	\$85,311
Assessed Value:	\$94,431	\$85,311
Total Exemptions:	\$0	\$0
Taxable Value:	\$94,431	\$85,311

My Home
Miami-Dade County, Florida

MIAMI-DADE

miamidade.gov

Property Information Map



Digital Orthophotography - 2006

0 — 114 ft

This map was created on 11/5/2007 11:03:45 AM for reference purposes only.

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Close

Summary Details:

Folio No.:	04-3108-002-3110
Property:	802 E 24 ST
Mailing Address:	MIAMI LATIN GRILL INC
	800-802 E 25 ST HIALEAH
	FL
	33013-3402

Property Information:

Primary Zone:	8600 CIVIC AND CONVENTION CENTER
CLUC:	0065 PARKING LOT
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	10,172 SQ FT
Year Built:	0
Legal Description:	HIALEAH 13TH ADD AMD PL REV PB 34-26 LOT 1 LESS W10FT FOR RW & ALL OF LOT 2 BLK 104-B & 6FT ALLEY LYG S & ADJ CLOSED PER R-94-104 LOT SIZE 73.710 X 138

Sale Information:

Sale O/R:	23276-4676
Sale Date:	3/2005
Sale Amount:	\$1,250,000

Assessment Information:

Year:	2007	2006
Land Value:	\$132,238	\$122,064
Building Value:	\$15,459	\$15,459
Market Value:	\$147,695	\$137,523
Assessed Value:	\$147,695	\$137,523
Total Exemptions:	\$0	\$0
Taxable Value:	\$147,695	\$137,523

1982 MAY 25 AM 11:51

82R117300

OFF
REC.

11450 PG 1435

UNITY OF TITLE

In consideration of the issuance of a permit to THE BANK OF MIAMI

Dade County, Florida and for other good and valuable considerations, the undersigned hereby agree to restrict the use of the following legally described property, Lots 1, 2, 3, 4, 28, 29 & 30, Block 97-B, Amended Plat of the Amended Plat of the Thirteenth Addition to Hialeah, as recorded in Plat book 34, at page 26, Public records of Dade County, Florida

also known as 810-813-828-840-860E 25 ST & E 24 ST

Dade County, Florida, in the following manner:

1. That said property shall be considered as one plot and parcel of land, and that no portion of said plot and parcel of land shall be sold, transferred, devised, or assigned separately except in its entirety as one plot or parcel of land.
2. The undersigned further agrees that this condition, restriction, and limitation shall be deemed a covenant running with the land and shall remain in full force and effect, and be binding upon the undersigned, their heirs and assigns until such time as the same may be released in writing upon approval of the City Council.

Signed, sealed, executed, and acknowledged on this 19 day of May, 1982

WITNESS:

*Jorge L. Ramirez*Jorge L. Ramirez, President (SEAL)

STATE OF FLORIDA

SS

COUNTY OF DADE

I HEREBY CERTIFY that on this 19th day of May, A.D., 1982 before me personally appeared Jorge L. Ramirez (Officer of The Bank of Miami) (Not Applicable) his wife, to me known to be the persons described in and who executed the foregoing instrument, and they acknowledged to me the execution thereof to be their free act and deed for the uses and purposes therein mentioned.

And the said The Bank of Miami the wife of the said (Not Applicable), on a separate and private examination taken and made by and before me, and separately and apart from her said husband, did acknowledge that she executed the said deed for the purposes therein set forth, freely and voluntarily, and without fear, constraint, apprehension or compulsion of or from her said husband.

WITNESS my signature and official seal at Dade County, Florida, in State aforesaid, the day and year last aforesaid.

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA
RECORD VERIFIED

RICHARD P. BRINKER,
CLERK CIRCUIT COURT

See P

NOTARY PUBLIC

Notary Public, State of Florida
My Commission Expires May 17, 1985
Bonded thru Troy Pub. Insurance, Inc.

